

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

JUROR QUESTIONNAIRE

Please Print Your Name: _____

Your Participant Number: _____

Introduction

This questionnaire is intended to make jury selection more efficient in an upcoming criminal case. The answers you give in the questionnaire will help the Court and counsel determine whether you can or should serve as a juror in this particular trial. There are no right or wrong answers. The answers should be your own personal, honest, and candid ones. To ensure that your answers are accurate and truthful, remember that you are answering these questions under penalty of perjury. Your answers must be true and complete. All information contained in this questionnaire will be kept confidential. The information you provide will be given only to the Judge, the Clerk's Office, and the parties, and will be used solely for the purpose of selecting a jury in this case.

Between now and jury selection, please do not discuss this questionnaire, or your answers to it, with anyone, including other prospective jurors, or the lawyers for either side. In addition, do not read any newspaper or internet articles about this case or visit any locations at issue in this case. Do not assume that the questions indicate anything about what will be the evidence to be presented in this case.

Answer each question as best you can. You are simply being asked to say honestly what you think. Take your time. Please write or print clearly with a pen. If you need extra space to answer a question, you may continue an answer at the end of the questionnaire showing the number of the question being answered.

DESCRIPTION OF THE CASE

In this case, the defendant, Donald L. Blankenship, is charged in a three-count indictment with criminal offenses involving mandatory mine safety and health standards and making false and fraudulent statements to the Securities and Exchange Commission and others. The defendant has entered pleas of not guilty to each of the counts of the indictment.

Today you are asked to fill out this questionnaire. Jurors will come to court on a later date for verbal questioning and jury selection. It is likely that evidence will be presented from Monday through Friday, except for holidays and other adjournments of trial.

Service on a jury is one of the highest duties that each citizen owes to his or her country, and inconvenience or ordinary financial problems related to jury service will not be sufficient to excuse a prospective juror. Federal law forbids any employer from discharging or discriminating against an employee because of jury service.

Remember, the answers should be your own. Do not consult with anyone, and do no research to help you answer the questionnaire. Also, do not call the Court, the Clerk, or anyone else regarding any questions you may have with respect to your jury service or the questionnaire.

[If your answer to a question is longer than the space provided, please use the blank pages attached at the end. Do not write on the back of the pages unless you run out of space on the very last page.]

BACKGROUND

Name _____

1. Date of birth _____ Age: _____ Male _____ Female _____
2. In what town do you live? _____
3. In what county do you live? ☐ Boone ☐ Cabell ☐ Clay ☐ Fayette ☐ Jackson ☐ Kanawha
☐ Lincoln ☐ Logan ☐ Mason ☐ Mingo ☐ Nicholas ☐ Putnam ☐ Roane ☐ Wayne
☐ Wirt ☐ Wood
4. How long have you lived in this county? _____
5. Are you a citizen of the United States? Yes _____ No _____
6. Can you read and understand the English language? Yes _____ No _____

IF NO: Has anyone read and explained this questionnaire to you, or assisted you in answering these questions in any way? Yes _____ No _____

7. Jury service will be required from 9:00 AM to 5:00 PM, Monday through Friday, and you would have to be present for every session at the direction of the Court. Do you have any physical or mental disabilities that would impair your ability to serve as a juror? Yes___ No___

IF YES: Please explain: _____

8. Length of time at current address: _____years

9. What is your marital status?

- _____ Single
- _____ Married
- _____ Divorced
- _____ Widowed
- _____ Separated
- _____ Living with non-marital mate

10. Please describe briefly the employment status of your past and present spouse(s) and/or domestic partner(s), including their occupations and employers:

11. What is the educational background of your spouse or domestic partner?

12. To what social, political or religious organizations do you belong?

13. What leadership positions have you held within any of those groups or organizations?

14. How do you usually get your news? (Please check all that apply):

- _____ Newspaper(s) (which) _____
- _____ Radio, including talk radio (which programs) _____
- _____ Television (which stations) _____
- _____ Magazines (which) _____
- _____ Internet or social media (which sites) _____
- _____ Word of mouth _____

How many times per week do you read about or listen to the news? _____

Do you subscribe to and or log on to any websites (blogs, discussion groups, chat rooms) or do you have your own blog or personal website? Yes____ No____

IF YES: Please describe: _____

15. How often do you post on blogs, online reviews, news article comment areas, or other internet areas? _____

16. Have you closely followed particular crime stories, criminal cases, or trials in the news or on television programs? Yes____ No____

IF YES: What cases, or stories, or programs? _____

What was your interest in those cases, stories, or programs? _____

EDUCATION

17. What is the highest level of education you completed?

- ____ Grade school
- ____ Some high school
- ____ High school graduate
- ____ Technical or business school
- ____ Some college
- ____ Associate's degree
- ____ Bachelor's degree
- ____ Postgraduate degree

Please list any degrees or certificates you may have and your major areas of study.

18. What special training or skills do you have? _____

19. Have you ever taken courses or had any training in any of the following subjects?

<input type="checkbox"/> Law	<input type="checkbox"/> Mine Engineering	<input type="checkbox"/> Labor Relations
<input type="checkbox"/> Mine Safety	<input type="checkbox"/> Law Enforcement	<input type="checkbox"/> Business
<input type="checkbox"/> Criminology	<input type="checkbox"/> Sociology	<input type="checkbox"/> Human Behavior

Please describe the course(s) or training: _____

WORK HISTORY

20. What is your current job status?

☐ Working full-time
☐ Working part-time
☐ Homemaker
☐ Disabled
☐ Retired - when?
☐ Never employed
☐ Unemployed
☐ Full-time student

21. For what company or organization do or did you work? _____

22. What do or did you do at work? _____

23. How long have you been or were you employed in this particular position? _____

24. Does or did your job include the responsibility of hiring/firing? Yes _____ No _____

25. Do you have a second (or third or more) job? Yes _____ No _____

IF YES: Please describe: _____

26. If retired, disabled, or unemployed, what was your occupation? _____

27. Has your occupation changed in recent years? Yes _____ No _____

IF YES: What was your prior occupation? _____

For how long? _____

28. Are you now or were you ever a member of a labor union? Yes _____ No _____

IF YES: What union? _____

Did you hold any office in the union? _____

29. Have you ever worked in a job involving public safety (e.g., police officer, fire fighter, EMT)?
Yes____ No____

IF YES: Please describe: _____

30. Have you ever worked for a federal, state, or regulatory agency? Yes____ No____

IF YES: Please describe: _____

31. Have you or has a close family member ever served in the armed forces, including the reserves, National Guard, Merchant Marines, or ROTC? Yes____ No____

IF YES: Please describe: _____

RELATIONSHIP TO PARTIES IN THIS CASE

32. Do you know, or have any connection with, any of the attorneys in this case or with any member of their offices?

UNITED STATES (United States Attorneys for the Southern District of West Virginia):

R. Booth Goodwin II	Yes____ No____
Steven R. Ruby	Yes____ No____
R. Gregory McVey	Yes____ No____
Gabriele Wohl	Yes____ No____
Any employee of the Office of the United States Attorney for the Southern District of West Virginia	Yes____ No____

DEFENSE:

William L Taylor, III	Yes____ No____
Blair G. Brown	Yes____ No____
Eric R. Delinsky	Yes____ No____
R. Miles Clark	Yes____ No____
Steven N. Herman	Yes____ No____
Any employee of the firm of Zuckerman Spaeder LLP	Yes____ No____
James A. Walls	Yes____ No____
Alex Macia	Yes____ No____
Any employee of the firm of Spilman, Thomas & Battle, PLLC	Yes____ No____

IF YES: Please describe: _____

33. Have you formed any opinions about this case as a result of reviewing the list of attorneys and law firms involved in the case? Yes ____ No ____

IF YES: Please explain: _____

34. Have you seen, read, or heard about Donald L. Blankenship, who was the former CEO of Massey Energy, which owned the Upper Big Branch Mine? Yes ____ No ____

IF YES: Please explain: _____

EXPERIENCE WITH THE LEGAL SYSTEM

35. Have you, any members of your family, or close personal friends ever been: (please check all that apply):

_____ the victim of a crime (whether or not it was reported to the police)
_____ a witness to a crime
_____ accused of or charged with a crime
_____ investigated for a crime

IF YES: Please describe the situation. _____

If there was an arrest, what was the outcome? _____

If there was a trial, did you testify? Yes ____ No ____

Please describe any contact you had with police or courts as a result of this situation.

Were you satisfied with the way the matter was handled by law enforcement and/or the Court? Yes ____ No ____

If you were not satisfied, please explain: _____

36. Have you ever belonged to a group or organization involved in law enforcement, or the criminal justice process, such as Block Watch, Neighborhood Watch, Crime Line, Victims for Victims, prisoners' rights, court monitoring, Mothers Against Drunk Driving, Tough Love, etc.?

Yes ____ No ____

IF YES: Please describe: _____

37. Have you ever been questioned in any matter by any federal law enforcement agency or agent (including the Department of Justice and the Federal Bureau of Investigation (FBI))?

Yes ____ No ____

IF YES: Please explain: _____

38. Have you, any members of your immediate family, or any close friends ever been involved in a civil lawsuit, either as a: witness ____, plaintiff ____, or defendant ____? Yes ____ No ____

IF YES: Please explain who was involved and the nature and outcome of the lawsuit: _____

39. Have you or has someone close to you ever been involved in a work-related accident?

Yes ____ No ____

IF YES: Please describe: _____

40. Have you ever made or filed a formal work-related grievance or complaint?

Yes ____ No ____

IF YES: Please describe: _____

41. Have you ever reported any kind of fraud or financial crime to any investigative agency?

Yes ____ No ____

IF YES: Please describe: _____

42. Have you ever been involved in a "whistleblower" type situation? Yes____ No____

IF YES: Please describe: _____

43. Do you currently have a court case of any kind pending? Yes____ No____

IF YES: Please describe: _____

44. Have you, or do you expect to, become involved in any legal action or dispute with the United States, or any officers, agents, or employees of the United States? Yes____ No____

IF YES: Please explain: _____

45. Do you have an opinion about the credibility of law enforcement officials? Yes____ No____

IF YES: Please explain: _____

46. The Court will give you an instruction on how to judge the believability or credibility of all witnesses. Do you believe that law enforcement officers are more likely or less likely to tell the truth than other witnesses? More likely____ No difference____ Less likely____

47. Do you have any impressions, opinions or beliefs about the Federal Bureau of Investigation (FBI), Department of Justice (DOJ), the Mine Safety and Health Administration (MSHA), or law enforcement agencies generally that could cause you to either lean in favor of the United States or to lean against the United States? Yes____ No____

IF YES: Please explain: _____

48. Have you ever served as a grand juror in the past? Yes____ No____

IF YES: How many times? _____

When? _____

Type of case(s): _____

Were you a foreperson? Yes____ No____

49. Have you ever served as a trial juror in the past? Yes____ No____

IF YES: How many times? _____
When? _____
Type of case(s): _____
Did the case(s) reach a verdict? Yes _____ No _____

IF NO: Was that because the jury could not agree on a verdict or because of some other reason? Give reason: _____

Were you selected as the foreperson? Yes _____ No _____

50. Is there anything about your jury experience that would make it difficult for you to serve on this case? Yes _____ No _____

IF YES: Please explain: _____

51. Please indicate the extent to which you agree or disagree with the following statements:

If the government has charged someone with a crime, then that person has probably engaged in some kind of wrongdoing.

Agree _____ Disagree _____ Unsure _____

People who make a lot of money are treated better by our court system than other people.

Agree _____ Disagree _____ Unsure _____

Most coal mine operators care more about producing coal than about the safety of their miners.

Agree _____ Disagree _____ Unsure _____

Most corporate executives would break the law if they thought they would not get caught.

Agree _____ Disagree _____ Unsure _____

52. Under the Constitution, every defendant charged with a crime is presumed innocent and cannot be found guilty of the crimes with which he is charged unless the United States proves his guilt beyond a reasonable doubt. Are you willing to follow that law in this case and only find the defendant guilty if the United States proves his guilt beyond a reasonable doubt?

Yes _____ No _____

53. Under the Constitution, a defendant has the right to remain silent and not testify, and it shall not be held against him if he does not take the witness stand. Are you willing to follow that law in this case and only find the defendant guilty if the United States proves his guilt beyond a reasonable doubt? Yes _____ No _____

54. Would you tend to think that a person who did not testify was more likely to be guilty than not guilty? Yes____ No____

55. As a juror, and while the jury selection is in process, you are not permitted to read or listen to any media or internet coverage of this case. Is there any reason why you cannot follow this instruction? Yes____ No____

IF YES: Please explain: _____

56. As a juror, and while jury selection is in process, the Court will instruct you that you will not be able to blog, tweet, post on Facebook or other social networks, talk about or otherwise communicate anything about this case, while the case is pending. Is there any reason why you cannot follow this instruction? Yes____ No____

IF YES: Please explain: _____

57. Do you have any personal, moral or religious beliefs or opinions that would influence or affect your ability to follow the law as it is explained to you at the end of the case or to tender judgment? Yes____ No____

IF YES: Please explain: _____

58. Are you concerned that witnesses who are facing criminal charges are more likely to lie to avoid punishment for their crimes? Yes____ No____

IF YES: Please explain: _____

CASE RELATED ISSUES

59. What have you seen, read, or heard about this case or any of the people involved in it? Please explain: _____

Source(s)? _____

What was your personal reaction to what you saw, heard or read? _____

60. Have you participated in any conversations or discussions about the case with anyone with knowledge of the facts or circumstances, or opinions about what the outcome should be?

Yes ____ No ____

IF YES: Please explain: _____

61. What, if any, opinions have you formed about Donald L. Blankenship, who was the former CEO of Massey Energy, which owned the Upper Big Branch Mine? _____

62. How much, if anything, have you seen, read, or heard about the investigation and indictment of Donald L. Blankenship, and about this trial?

Nothing ____ A little ____ Some things ____ A lot ____

If more than nothing, what have you seen, read, or heard about the investigation and indictment of Donald L. Blankenship, and about this trial? _____

63. What, if any, opinions have you formed about the investigation and indictment of Donald L. Blankenship, and about this trial? _____

64. How much, if anything, have you seen, read, or heard about the Upper Big Branch Mine explosion that occurred in April 2010 in Raleigh County?

Nothing ____ A little ____ Some things ____ A lot ____

If more than nothing, what have you seen, read, or heard about the Upper Big Branch Mine explosion that occurred in April 2010 in Raleigh County? _____

65. What, if any, opinions have you formed about any other investigations, indictments, and trials related to the Upper Big Branch Mine explosion that occurred in April 2010 in Raleigh County?

66. Have you or has someone close to you ever worked at the Upper Big Branch Mine?

Yes ___ No ___

IF YES: Please describe each person's involvement:

67. Have you heard anything about conditions or practices at the Upper Big Branch Mine?

Yes ___ No ___

IF YES: Please explain:

68. Do you know anyone who has been killed or injured in a mine or anyone who has had a family member killed or injured in a mine? Yes ___ No ___

IF YES: Please explain:

69. Have you or has any close family member ever worked in the coal mining industry (this includes businesses that provide products, equipment, or services to coal mining companies)?

Yes ___ No ___

IF YES: Who worked in the mine?

For how long?

What was your/their specific job(s)?

Where was the mine located?

What type of mine?

70. Have you or has anyone close to you worked as a mine inspector?

Yes ___ No ___

IF YES: Please explain:

71. Have you or has anyone close to you worked in the field of mine safety (e.g., safety training, safety program development)? Yes____ No____

IF YES: Please explain: _____

72. Do you know anyone who has been terminated from a job at a coal mine? Yes____ No____

IF YES: Please explain: _____

73. Do you have any concerns or opinions about the company Massey Energy and its coal mining activities? Yes____ No____

IF YES: Please explain: _____

74. Do you have any knowledge about Donald L. Blankenship's political activities and political beliefs? Yes____ No____

IF YES: Please explain: _____

75. Do you believe that conspiracies between business executives are common?

Definitely____ Probably____ Probably not____ Definitely not____ Don't know____

76. How common is it for corporate executives to engage in illegal business activities?

Very common____ Somewhat common____ Somewhat rare____ Very rare____ Don't know____

77. Do you have any particular experiences, feelings or beliefs that might influence you as a juror in a case where someone died while working in a mine? Yes____ No____

IF YES: Please explain: _____

78. Have you expressed an opinion or impression as to the guilt or innocence of the defendant at any prior time? Yes____ No____

79. Has anyone spoken with you, or indirectly tried to contact you, at any time about the case? Yes____ No____

80. Have you overheard anything about the case? Yes____ No____

IF YES: What did you hear? _____

81. Based on what you have seen, read or heard, please tell us what feelings or opinions you may have formed about this case, the charges, or the defendant, Donald L. Blankenship.

a. Would you be able to set those feelings aside and, if chosen as a juror, decide the case solely on the law and the evidence presented at trial? Yes____ No____

b. Have you formed an opinion regarding the guilt or innocence of the defendant, based on what you have seen, read or heard? Yes____ No____

c. **IF YES:** What is that opinion? _____

d. Would you be able to set that opinion aside, and, if chosen as a juror, decide the case solely on the evidence and law and evidence presented to you at trial? Yes____ No____

82. Would the nature of the charges against the defendant, Donald L. Blankenship, affect your ability to be a fair and impartial juror? Yes____ No____ Not Sure____

83. Do you feel that your family members, friends, work colleagues, and/or neighbors have strong concerns or opinions about Donald L. Blankenship, the UBB mine explosion, and/or this trial?
Yes, definitely____ Yes, somewhat____ Yes, a little____ No____

Please explain: _____

84. If you are selected to serve as a juror on this case, would you be concerned about reactions to your verdict by anyone, including friends, family members, neighbors, acquaintances, or coworkers? Yes, definitely____ Yes, somewhat____ Yes, a little____ No____

Please explain: _____

85. Is there any additional information not asked about in this questionnaire which you feel that the judge and/or the attorneys should know about you before considering you for the jury in this case? Yes____ No____

87. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case? Yes_____ No_____

IF YES: Please explain: _____

EXTRA SPACE TO ANSWER QUESTIONS. DO NOT FORGET TO PUT THE QUESTION NUMBER IN FRONT OF EACH ANSWER THAT REQUIRES MORE SPACE.

[illegible]

I attest and affirm, under the penalty of perjury, that the answers set forth above are true and correct to the best of my knowledge.

Signature